

## BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

JULY 18, 2007

<b>Meeting</b>	Chairman Ron Poff called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m.
<b>Roll Call</b>	Roll call showed the following Board Members present: Ron Poff, John Borchers, and Alan Rodrigues. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and Clerk of Council Misty Cheshire sitting in for Board Secretary Kimberly Patterson.
<b>Absences</b>	<p>Mr. Rodrigues <b>moved to excuse Mrs. Stacy Wall</b>, seconded by Mr. Borchers. <b>Motion carried.</b> Ayes: Rodrigues, Borchers, and Poff. Nays: None.</p> <p>Mr. Rodrigues <b>moved to excuse Mr. Dan Naas</b>, seconded by Mr. Borchers. <b>Motion carried.</b> Ayes: Rodrigues, Poff, and Borchers. Nays: None.</p> <p>Citizens attending the meeting: Carl Siembida, and Dave Arbogast.</p>
<b>Board Minutes 6-20-07</b>	Chairman Poff asked for discussion. Mr. Rodrigues <b>moved to approve the June 20, 2007 minutes as written</b> , seconded by Chairman Poff. <b>Motion carried.</b> Ayes: Rodrigues, Poff, and Borchers. Nays: None.
<b>Citizen Comments</b>	There were no citizen comments on items not on the agenda.
<b>Administration of Oath</b>	Mrs. Cheshire, notary, swore in citizens wishing to speak and to Mr. Spring.
<b>New Business</b>	<p>Chairman Poff explained the guidelines and procedures for the meeting and public hearings. He advised the applicants that a decision of the Board could be appealed to City Council within 10 days. If the Board granted the applicants request, the applicant may file the appropriate permits after the 10-day waiting period has expired.</p> <p>Mr. Spring mentioned that since only three members were present, we needed to note the following Zoning Code section §36.019(B) which states: <i>A majority vote of those members present shall be necessary to pass any item of business that is brought before the Board. Where only a quorum is present at any business meeting an affirmative vote of all three (3) Members is necessary to validate the passage of any motion or recommendation. Any motion which results in a tie vote shall become automatically an agenda item for the next regular business meeting or, if so required by ordinance, at a specially called business meeting.</i></p>
<b>Case No. 08-07: Dave Arbogast Dave Arbogast Suzuki 3520 Co Rd 25A Four Variance Requests</b>	<p><b>Case No. 08-07:</b> Dave Arbogast – Dave Arbogast Suzuki - 3520 CR 25A Troy - <b>Lot:</b> Inlot 3240 – the applicant requested the following:</p> <ol style="list-style-type: none"><li>1. A variance to Code §154.100(A)(2)(a) to allow a wall sign to extend 66.25" above the roof.</li><li>2. A variance to Code §154.100(A)(4) to allow a second wall sign on a single-frontage building or use.</li><li>3. A variance to Code §154.100(A)(4) to allow a third wall sign on a single-</li></ol>

frontage building or use.

4. A variance of 1.04 square feet to Code §154.100(B)(2) to allow a ground sign to be a total of 51.04 square feet in area rather than the maximum of 50 square feet noted in Code.

**Present Zoning District:** HS – Highway Service Zoning District

**Section(s):** Code §154.100(A)(2)(a), §154.100(A)(4), and §154.100(B)(2)

Mr. Spring stated that the applicant requested four (4) sign variances in conjunction with the construction of Dave Arbogast Suzuki located at 3520 SR 25A. The applicant requested the following variances:

Variance 1

A variance to Code §154.100(A)(2)(a) to allow a wall sign to extend 66.25" above the roof. If approved, the area of the sign above the roof line would be 49.69 sq. ft. (66.25" x 9' ≈ 49.69 sq. ft.)

Code §154.100(A)(2)(a) indicates:

*Signs may be attached to a building facade which faces a street, parking lot or service drive. It may be attached to a canopy which projects beyond the building, provided that no part of the sign extends above the roof or canopy.*

Variance 2

A variance to Code §154.100(A)(4) to allow a second wall sign on a single-frontage building or use. If approved the second sign would depict the franchise owners name (Dave Arbogast) and would have an area of ≈ 4.67 sq. ft. (96" x 7").

Code §154.100(A)(4) indicates:

*Wall signs shall be limited in number to 1 per building or use. For buildings or uses on corner lots or double frontage lots having at least 100 feet of lot frontage on each of 2 public rights-of-way, a second wall sign is permitted facing the second right-of-way. Each sign is limited to 1 square foot in area for every lineal foot of width of the building face to which the sign is attached, not exceeding the installed maximum size allowed for the use by Appendix F. The distance between the signs shall not be less than 2/3 the length of the longest elevation to which the sign is attached. The distance will be measured by 2 straight lines along the elevations of the building, from edge of sign to edge of sign. In no case shall 2 wall signs be closer than 10 feet apart. The provision for a second sign does not apply to individual tenants in a multitenant building.*

Variance 3

A variance to Code §154.100(A)(4) to allow a third wall sign on a single-frontage building or use. If approved the third sign would depict Suzuki and would have an area of ≈ 15.56 sq. ft. (20.75" x 108").

Code §154.100(A)(4) indicates:

*Wall signs shall be limited in number to 1 per building or use. For buildings or uses on corner lots or double frontage lots having at least 100 feet of lot frontage on each of 2 public rights-of-way, a second wall sign is permitted facing the second right-of-way. Each sign is limited to 1 square foot in area for every lineal foot of width of the building face to which the sign is attached, not exceeding the installed maximum size allowed for the use by Appendix F. The distance between the signs shall not be less than 2/3 the length of the longest elevation to which the sign is attached. The distance will be measured by 2*

straight lines along the elevations of the building, from edge of sign to edge of sign. In no case shall 2 wall signs be closer than 10 feet apart. The provision for a second sign does not apply to individual tenants in a multitenant building.

#### Variance 4

A variance of 1.04 square feet to Code § 154.100(B)(2) to allow a ground sign to be a total of 51.04 square feet in area rather than the maximum of 50 square feet noted in Code § 154.100(B)(2) which states:

*The maximum allowable size for any ground sign shall be in accordance with Appendix F.*

*Appendix F further states that non-residential ground signage for general commercial applications shall not exceed 50 square feet in area.*

Mr. Spring stated that the applicant had proposed a ground sign that was 10' in height and 61.25" in width. Thus the area of the proposed ground sign was 51.04 square feet in area (120" x 61.25" = 7,350 square inches = 51.04 square feet).

Mr. Spring explained the procedural requirements to grant the variances in this case as outlined in Sections § 154.106(C)(1), § 154.175(C) and § 154.175(D) of the Tipp City Code of Ordinances.

Mr. Spring noted the following about the case:

- Dave Arbogast Suzuki was located on the property of the former Marathon gas station located adjacent to the existing Dave Arbogast Buick, Pontiac, GMC, just west of the intersection of Donn Davis Way and CR 25A. The previous (nonconforming) Marathon signage (wall signs, large pole mounted, etc.) have been removed by the applicant.
- Any signage for the Dave Arbogast Suzuki required a separate Zoning Compliance Sign Permit (subject to staff review and approval).

Mr. Dave Arbogast – 3540 South County Road 25A, Troy, Ohio (inside city limits) – Mr.

Chairman Poff asked Mr. Arbogast if he had considered smaller signs to meet code requirements. Mr. Arbogast stated that the ground mount signs were pre-made to Suzuki standards and did not come any smaller. Mr. Arbogast also stated that all the signs were presented as the smallest that Suzuki offered.

Chairman Poff inquired if the sign would be placed directly on the roof. Mr. Arbogast stated that the sign would be mounted on an archway that would be built.

Mr. Rodrigues reconfirmed that the height requirements were met, but the variance requests regarded overall area. Mr. Spring stated that was correct.

Chairman Poff asked for further discussion. There being none the Board acted as follows:

#### **Variance 1** *Approved as submitted*

Mr. Rodrigues **moved to grant a variance to Code § 154.100(A)(2)(a) to allow a wall sign to extend 66.25" above the roof**, seconded by Mr. Borchers. **Motion**

**carried.** Ayes: Rodrigues, Borchers, and Poff. Nays: None.

**Variance 2** Approved as submitted

Mr. Rodrigues **moved to grant a variance to Code §154.100(A)(4) to allow a second wall sign on a single-frontage building or use**, seconded by Chairman Poff. **Motion carried.** Ayes: Rodrigues, Poff, and Borchers. Nays: None.

**Variance 3** Approved as submitted

Mr. Rodrigues **moved to grant a variance to Code §154.100(A)(4) to allow a third wall sign on a single-frontage building or use**, seconded by Chairman Poff. **Motion carried.** Ayes: Rodrigues, Poff, and Borchers. Nays: None.

**Variance 4** Approved as submitted

Mr. Rodrigues **moved to grant a variance of 1.04 square feet to Code §154.100(B)(2) to allow a ground sign to be a total of 51.04 square feet in area rather than the maximum of 50 square feet noted in Code**, seconded by Chairman Poff. **Motion carried.** Ayes: Rodrigues, Poff, and Borchers. Nays: None.

Mr. Spring noted that a Sign Permit would be required.

**Case No. 09-07:  
Carl Siembida  
210 N. Third St.  
Two Variance  
Requests**

**Case No. 09-07: Carl Siembida - 210 N. Third Street, Tipp City - Lot: Inlot 648 – The applicant requested the following:**

1. A variance of 5' 6" to Code §154.061(I) to allow an access drive within a residential district to maintain a setback of 6 inches from the southern property line, rather than the required 6 feet.
2. A variance of 5' 6" to Code §154.061(I) to allow an access drive within a residential district to maintain a setback of 6 inches from the northern property line, rather than the required 6 feet.

**Present Zoning District:** R-2 – Urban Residential Zoning District

**Section(s):** Code §154.061(I)

Mr. Spring stated that the applicant requested two (2) variances in conjunction with the addition of a concrete parking pad and garage apron (abutting alley in the rear) to the property located at 210 N. Third Street.

Variance 1

A variance of 5' 6" to Code §154.061(I) to allow an access drive within a residential district to maintain a setback of 6 inches from the southern property line, rather than the required 6 feet.

Mr. Spring noted that the applicant proposed the construction of 17' x 22' (374 sq. ft.) concrete parking pad at the southeast corner of the property abutting the alley. The proposed position of the pad would be 6 inches from the southern property line. Code §154.061(I) states:

*Access drives within residential districts shall maintain a minimum setback distance of 6 feet from adjacent properties.*

Variance 2

A variance of 5' 6" to Code §154.061(I) to allow an access drive within a residential district to maintain a setback of 6 inches from the northern property line, rather than the required 6 feet.

Mr. Spring also noted the applicant proposed the construction of ± 10' 3.5" x 23' 6" concrete approach at the northeast corner of the property abutting the alley. The proposed position of the approach would be 6 inches from the northern property line. Code §154.061(I) states:

*Access drives within residential districts shall maintain a minimum setback distance of 6 feet from adjacent properties.*

Mr. Spring explained the procedural requirements to grant the variances in this case as outlined in Sections §154.175(E)(1), §154.175(C) and §154.175(D) of the Tipp City Code of Ordinances.

Mr. Spring noted the following about the case:

- Per §154.074(l)(3)(b), all open off-street parking areas shall be graded and provided with a hard surface of bituminous or Portland cement concrete.
- Prior to the construction of the parking pad and approach, the applicant shall be required to obtain an approved Zoning Compliance Permit.

Mr. Rodrigues inquired if there was an easement at the rear of the property. Mr. Spring stated that the property was older and there were no recorded easements on file.

Mr. Carl Siembida – 210 N. Third Street, Tipp City - stated that the garage was staying and the prep work was started, but did not break any ground.

Chairman Poff asked Mr. Siembida if he had a hard time getting in and out of the alleyway into his garage. Mr. Siembida stated that the garage was approximately 22" – 27" lower than the alley and thought about raising the garage at one time.

Chairman Poff asked about the extra driveway that was proposed. Mr. Siembida stated that the extra area was so that he could wash his vehicles at home. Mr. Siembida stated that he had no intentions to adding a garage at the end of the additional drive area.

Mr. Rodrigues asked if Mr. Siembida was currently using the area to access the garage. Mr. Siembida stated that he was utilizing the area to access the garage and it was difficult.

Chairman Poff asked for further discussion. There being none the Board acted as follows:

**Variance 1** [Approved as submitted](#)

Mr. Rodrigues **moved to grant a variance of 5' 6" to Code §154.061(I) to allow an access drive within a residential district to maintain a setback of 6 inches from the southern property line, rather than the required 6 feet**, seconded by Chairman Poff. **Motion carried.** Ayes: Rodrigues, Poff, and Borchers. Nays: None.

**Variance 2** [Approved as submitted](#)

Mr. Rodrigues **moved to grant a variance of 5' 6" to Code §154.061(I) to allow an access drive within a residential district to maintain a setback of 6 inches from the northern property line, rather than the required 6 feet**, seconded by Chairman Poff. **Motion carried.** Ayes: Rodrigues, Poff, and Borchers. Nays: None.

Mr. Spring noted that Zoning Permit would be required.

**Old Business**

There was none.

**Miscellaneous**

Chairman Poff inquired about Mrs. Peachey's fence at 104 N. First Street. Mr. Spring stated that Mrs. Peachey was required to move her fence that was encroaching on the Miami Conservancy District's property. Mrs. Peachey has the option to seek an easement from the Miami Conservancy District and that is what she has desired to do rather than moving the fence.

**Adjournment**

There being no further business, Mr. Rodrigues **moved to adjourn the meeting**, seconded by Chairman Poff and unanimously approved. **Motion carried.** Chairman Poff declared the meeting adjourned at 7:52 p.m.

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Ron Poff, Chairman

Attest: \_\_\_\_\_  
Kimberly Patterson, Board Secretary